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**OU#4 EPA RI DISPUTE
U.S. DOE - FERNALD
OH6 890 008 976**

1-25-91

**USEPA/DOE-FMPC
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LETTER**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

1204

JAN 25 1991

REPLY TO ATTENTION OF:

Mr. Gerald W. Westerbeck
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

5HR-13

RE: OU#4 EPA RI Dispute
U.S. DOE - Fernald
OH6 890 008 976

Dear Mr. Westerbeck:

On December 7, 1990, the United States Environmental Protection Agency (U.S. EPA) disapproved a revised proposed Remedial Investigation (RI) report for Operable Unit (OU) #4. Since this was the second disapproval, U.S. EPA invoked dispute resolution in accordance with Section XII of the 1990 Consent Agreement to prevent the document from becoming final. This dispute involves the inadequacy of the revised draft RI report for OU #4.

U.S. EPA's dispute was not settled within the thirty day informal dispute resolution period. The dispute was raised to the Dispute Resolution Committee on January 4, 1991, as required by Section XIV.C of the 1990 Consent Agreement.

On January 18, 1991, the Dispute Resolution Committee held a teleconference to discuss U.S. EPA's dispute. During the teleconference, U.S. DOE asserted that it submitted the OU #4 RI report in good faith and incorporated all data available at the time that the report was due. U.S. DOE further maintained technical problems and adverse weather had led to problems in obtaining some of the data necessary to complete the report. While U.S. EPA does not necessarily accept this conclusion, both U.S. EPA and U.S. DOE agree that the report was inadequate since complete data was not provided. Accordingly, U.S. EPA's dispute over the adequacy of the OU #4 RI report is terminated by mutual agreement.

U.S. DOE is in the process of obtaining data in order to complete the RI report. As agreed in the teleconference, U.S. DOE will propose a revised schedule for OU #4 RI report and for completion of all other OU #4 RI/FS documents. The revised schedule will be one that is achievable, and a schedule that U.S. DOE and its contractors will be firmly committed to.

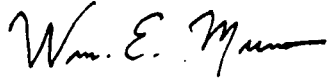
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Please contact me at (312/FTS) 353-4783, if you have any questions.

1204

Sincerely yours,



William E. Muno
Associate Division Director
Office of RCRA, Waste Management Division

cc: Acting Director, OEPA
Graham Mitchell, OEPA-SWDO
Leo Duffy, U.S. DOE - HDQ
Joe LaGrone, U.S. DOE - ORO